

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

PETER D. PETROSKY,

*Petitioner,*

vs.

JACK PALMER, *et al.*,

*Respondents.*

3:10-cv-00361-RCJ-RAM

ORDER

This habeas matter under 28 U.S.C. § 2254 comes before the Court on petitioner's application (#1) to proceed *in forma pauperis*, motion (with #1-2) for appointment of counsel, and motion (with #1-3) to stay proceedings.

The filing fee has been paid (#3), and the pauper application therefore will be denied as moot. The Court has considered the financial materials attached with the application in considering petitioner's financial eligibility for potential appointment of counsel.

On the motion for appointment of counsel, the Court will appoint counsel in light of the sentence imposed in 2008 of two consecutive life sentences with parole eligibility after a combined minimum sentence of twenty years, together a special sentence of lifetime supervision; the length of the twenty-year combined minimum sentence in relation to petitioner's approximate current age of 52 years; the number and complexity of the potential procedural and substantive issues; the possible presence of remaining untolled time in the one-year federal limitation period; and this Court's decision regarding access to court and legal resource issues at the Lovelock Correctional Center in *Koerschner v. Warden*, 508 F.Supp.2d 849 (D.Nev. 2007).

1       The motion for a stay of proceedings will be denied without prejudice to the filing of a  
2 motion for a stay or for other appropriate relief at a later juncture in the case through counsel,  
3 after the filing of an amended petition more clearly presenting one or more exhausted claims.

4       IT THEREFORE IS ORDERED that petitioner's application (#1) to proceed *in forma*  
5 *pauperis* is DENIED as moot.

6       IT FURTHER IS ORDERED that the Clerk of Court shall file the petition (#1-1).

7       IT FURTHER IS ORDERED that the Clerk shall file the motion (with #1-2) for  
8 appointment of counsel submitted with the petition, that said motion is GRANTED, and that  
9 the Clerk shall reflect the grant of the motion by this order on the docket sheet. The counsel  
10 appointed will represent petitioner in all proceedings related to this matter, including any  
11 appeals or *certiorari* proceedings, unless allowed to withdraw.

12       IT FURTHER IS ORDERED that the Federal Public Defender for the District of Nevada  
13 shall be provisionally appointed as counsel and shall have thirty (30) days to undertake direct  
14 representation of petitioner or to indicate to the Court her office's inability to represent  
15 petitioner in these proceedings. If the Federal Public Defender is unable to represent  
16 petitioner, the Court then shall appoint alternate counsel. A deadline for the filing of an  
17 amended petition, or seeking other appropriate relief, will be set after counsel has filed a  
18 notice of appearance, in the order confirming the specific appointment. The Court anticipates  
19 setting the deadline for 120 days based upon the current record.

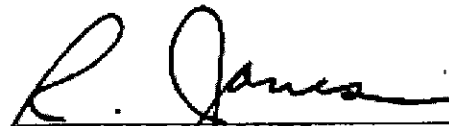
20       IT FURTHER IS ORDERED that the Clerk of Court shall add Attorney General  
21 Catherine Cortez Masto as counsel for respondents and shall electronically serve both this  
22 order and the petition upon both the Federal Public Defender and the Attorney General.

23       IT FURTHER IS ORDERED that respondents' counsel shall enter a notice of  
24 appearance herein within twenty (20) days of entry of this order, but no further response shall  
25 be required from respondents until further order of this Court.

26       IT FURTHER IS ORDERED that the Clerk shall file the motion (with #1-3) to stay  
27 proceedings, that said motion is DENIED without prejudice, and that the Clerk shall reflect  
28 the denial of the motion by this order on the docket sheet.

1 The Clerk of Court accordingly shall send a copy of this order to the *pro se* petitioner,  
2 the Attorney General (by informal electronic service, with a copy of the petition), the Federal  
3 Public Defender (in the same manner), and the CJA Coordinator for this Division.

4 DATED: This 3<sup>rd</sup> day of August, 2010.

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8 ROBERT C. JONES  
9 United States District Judge  
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